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CALIFORNIA FRUIT SHIPPERS MAY PRE-COOL PRODUCT

**Supreme Court Upholds Right
to Ice Oranges Previous to
Shipment to Eastern Cities
at \$7.50 Charge.**

[By Leased Wire to Evening Herald.]
Washington, Jan. 26.—The interstate commerce commission's order, requiring transcontinental railroads to permit California orange shippers to pre-cool their fruit before shipment to eastern cities, and limiting their charge for the use of the cars during the pre-cooling stage to \$7.50, was upheld today by the supreme court.

The problem of transporting citrus fruit over mountains, plains and desert from California to eastern cities culminated about 1909 in a fight over whether the railroads would permit shippers to ice the fruit cars or whether the railroads could insist upon performing that service themselves as an incident to hauling the fruit.

The dispute arose largely out of the endeavor of congress in the Hepburn rate law to rid the fruit growers of alleged extortion by private car lines. Before the enactment of that law, railroads turned the refrigerating service over to private car lines. It was claimed before congress that these lines preyed upon the perishable traffic of the country and exacted such rates as they might deem necessary to pay large dividends.

So congress put into the law a requirement that the railroads themselves should furnish refrigeration as an element of transportation. The Southern Pacific established at San Bernardino, Cal., a \$150,000 refrigeration plant, and the Santa Fe one at Colton, at a cost of \$500,000. A whole trainload of oranges could be cooled in each of these plants in between two and four hours. In addition to the freight rate the railroad charged \$25 for the standard refrigeration of a car to New York.

Shippers having cold storage plants discovered that by cooling oranges before they were placed in a car less space was necessary between the crates, and thus the cost of transportation was reduced. They cooled the fruit in their own plants and then forced ice-cold air into the car. They put also 12,000 pounds of ice into the bunkers of each car. The railroads insisted upon charging the shippers \$25 for that privilege.

The interstate commerce commission ordered a reduction from \$25 to \$7.50, about the amount necessary to cover the wear and tear of placing the ice in the bunkers. The railroads then withdrew the privilege of pre-

A REAL BARGAIN

Dining room suite in early English of solid quartered oak, consisting of

BUFFET
CHINA CLOSET
SERVING TABLE
SIX-FOOT DINING TABLE (square)
SIX DINING CHAIRS

All for \$122.75.

We are offering this real bargain for \$10 down and \$2.50 a week.

See our show window. Same bargain in gold oak finish.

STRONG BROS.

General House Furnishers.
Strong Bldg. 2nd and Copper

being on the ground that pre-cooling and pre-cooling of fruit was an act of transportation and not the law required them to perform.

The commission, however, held that the pre-cooling and pre-cooling was a matter of preparation and not transportation, and required the railroads to permit the shippers to perform that service, if they so elected. The commerce court decided it against the railroads and the railroads appealed to the supreme court of the United States.

SAY GOV. FERRIS HAD NO RIGHT TO AID GRAND JURY

**Deliberations Illegal, Allege
Counsel for Copper Mine
Strikers Indicted for Conspiracy.**

**MOTION TO QUASH IS
FILED BY ATTORNEYS**

[By Leased Wire to Evening Herald.]
Houghton, Mich., Jan. 26.—A motion to quash the conspiracy indictment returned by the special grand jury against copper mine strikers and officials of the Western Federation of Miners, was filed today by attorneys for the accused men when the latter were arraigned for trial in the Houghton circuit court. It was announced that plea would not be entered until the motion had been heard and passed on.

Counsel for the defendants in their motion attacked the legality of the grand jury and its deliberations.

It was contended that the grand jury was illegally convened, that its deliberations were not conducted in secret as required by law, and that the appointment of George E. Nichols as special prosecuting officer was void because no showing had been made authorizing such appointment or claiming the want of capacity on the part of the duly elected prosecutor.

"It is also moved," the motion read, "that this motion may have the same effect as a challenge to the array of said grand jury, all of which defendants are ready and willing to verify."

Governor W. N. Ferris of Michigan; Grant Fellows, attorney general; Special Prosecutor Nichols and three stenographers were named as persons present who were "not by law authorized to take part in the deliberations of the jury."

No time was agreed on this morning for a hearing on the motion. Angus W. Kerr, leading local counsel for the defendants, indicated that the forms of the indictments also would be attacked. Mr. Kerr said that later that he would apply for a change of venue in the union men who have been arrested on charges growing out of strike disorders appeared in court this morning; others were represented by counsel. Pleas of "not guilty" were entered in the cases which were not based on indictments. After answering to their names the defendants were told to return next Monday, February 2, Judge O'Brien permitting them to remain at liberty under the same bonds.

Charles H. Moyer, president of the Western Federation of Miners did not answer to his name when the case of the 25 union men who were indicted jointly for conspiracy was called. Mr. Kerr announced that Moyer and six other absent leaders would be present "when needed."

ASHURST AND THOMAS RESOLUTIONS UNACTED ON

Washington, Jan. 26.—Senator Ashurst's resolution for congressional investigation of the Calumet strike and Senator Thomas' resolution on the Colorado strike, were unacted on today by the senate labor committee. A subcommittee may be named to consider the Calumet resolution. The Colorado resolution has not yet been taken up. Secretary Wilson has been asked to condense his report on the Michigan strike to facilitate the committee's consideration.

Under the special the house will tomorrow consider resolutions endorsed by the caucus.

"CASCARETS" CLEANSE LIVER AND BOWELS

Cure Sick Headache, Constipation, Biliousness, Sour Stomach, Bad Breath—Candy Cathartic.

Get a 10-cent box now.

Are you keeping your liver, stomach and bowels clean, pure and fresh with Cascarets—or merely forcing a passage every few days with salts, cathartic pills or castor oil? This is important.

Cascarets immediately cleanse the stomach, remove the sour, undigested and fermenting food and foul gases; take the excess bile from the liver and carry out of the system the constipated waste matter and poison in the bowels.

No odds how sick, headachy, bilious and constipated you feel, a Cascaret tonight will straighten you out by morning. They work while you sleep. A 10-cent box from your druggist will keep your head clear, stomach sweet and your liver and bowels regular for months. Don't forget the children—their little insides need a gentle cleansing, too.

BOOSTING DENVER NEITHER MARRYING FOR REGIONAL NOR GIVING IN BANK SITE MARRIAGE

Secretaries McAdoo and Houston Hear Presentation of Claims of Rocky Mountain District.

[By Leased Wire to Evening Herald.]
Denver, Jan. 26.—The claims of the Rocky Mountain section for a regional reserve bank under the new federal banking system were heard today by Secretaries McAdoo and Houston.

The advantages of Denver as a location for this bank were presented by bankers and business men under the direction of Gordon Jones, chairman of the Denver Clearing House association.

Delegations from many Colorado towns supported Denver's claims. Representatives from Wyoming, New Mexico, Arizona, west Texas and western Kansas and Nebraska also were heard.

The territory representatives of the Denver Clearing House association presented figures tending to show that a regional bank in this territory would have a capitalization of approximately \$1,000,000, with deposits of \$7,000,000.

Questioned by Secretary McAdoo, the witness admitted that the district outlined did not follow closely the natural trade thoroughfares. Mr. Berger thought Colorado, Wyoming, New Mexico and Utah possibly comprised the natural banking and trade territory tributary to Denver. Replying to a question by Mr. McAdoo, he favored a smaller regional bank for Denver with a smaller capitalization rather than being added to a larger district with the regional bank at another point.

Gordon Jones, who has had charge of gathering data to be presented to the committee, outlined banking, commercial and industrial conditions of the Rocky Mountain states. He referred to the location of the United States mint at Denver. This mint, he said, receives on re-deposit from Seattle 90 per cent of all the gold from Alaska. "All the bullion purchased by the United States army offices west of the Missouri river, except the office at Carson, Nev., is sent to the Denver mint as a re-deposit. This bullion comes from United States army offices at Helena, Mont.; Boise, Idaho; Salt Lake City, Utah; Seattle, Wash. The average amount received from this source is \$12,800,000."

Mr. Jones expressed confidence that no difficulty would be experienced in providing the necessary capitalization for a regional bank, adding: "Our state institutions are greatly enticed over the privilege accorded them of joining the system and many have signified their intention of becoming members."

A. C. Foster, representing the Denver bond dealers, presented a report stating that most of the bond business in the territory claimed by Denver was handled by the bond houses of this city. The report said that 23 out of 46 bond houses in the territory showed purchases and sales of \$164,886,924 for 1913.

Denver's position as the center of the mountain district in the insurance business was presented by J. E. Edmonds.

J. E. Edmonds submitted facts and figures tending to emphasize the importance of this city as the center of the livestock business of the west. The industrial situation relating to coal, coke, steel, iron, cement, oil, timber and other enterprises was presented by J. C. Osgood, president of the Victor-American Fuel company. He said that all the coal and coke business of Colorado, New Mexico and a large part of Utah was financed in Denver, but that the business originating in Montana did not come to this city. He pointed to the steel plant at Pueblo as the only one of any extent west of the Missouri river.

The extent and importance of the beet sugar industry with its seventeen factories in Colorado was outlined by W. A. Dixon, general manager of the Great Western Sugar company. Sugar factories in other states are distributed as follows: Utah, six; Idaho, four; Nebraska two, and one each in Montana, Kansas and Arizona.

The mining interests were presented by Thomas B. Burbridge of Cripple Creek, stating that the mining business of Colorado required large banking facilities which had been furnished by the banks of Denver and tributary territory.

R. H. Malone discussed the railroad facilities for communication with the territory claimed, pointing out that there are 143 passenger trains in and out of Denver every twenty-four hours. He declared that 85 per cent of the population claimed by the Denver committee could be reached within fifteen hours.

Morrison shaftroth presented facts in connection with the manufacturing and jobbing business of the district.

The afternoon session was devoted to hearing the statements of bankers and business men from points outside Denver.

Secretaries planned to conclude the hearing at 4 o'clock and take the train immediately for Seattle, Wash.

Hearings on Owen Bill.
Washington, Jan. 26.—Public hearings on the Owen bill to prohibit the use of the mails and telegraph lines in furtherance of fraudulent and harmful transactions on stock exchanges, will open February 4, before the senate banking committee.

**Naive Disregard of Wedlock
Relation Indicated by Testimony in Gonzales-Gurule
Case Before Judge Craig.**

Judge Craig, matrimonial adjuster and peace-maker, has a power on his hands.
Today he postponed until tomorrow at 11 a. m. the case involving Mrs. Lena Gurule of Barleas, charged by Mrs. Gonzales of that same district with assault with words, after preliminary investigation had disclosed a state of affairs which appeared to be at least startling.

Mrs. Gonzales, it appeared from the evidence, has two daughters living at the home of Mrs. Gurule, the girls testifying that they refused to live with their mother because she was living with a man who was not her husband. Mrs. Gonzales on the other hand testified that Mrs. Gurule was living with a man to whom she was not married and showed that one of her daughters was also maintaining the same relation with still another man. The other girl it was shown by evidence had worked for a well known family where she had been accused of stealing, the police, it is said, having found a number of the articles in her trunk. Judge Craig asked the girl accused of living with a man outside of wedlock about the matter and she said the man in question had promised to marry her, upon instructions she went forth and produced the man who said he had intended to marry the girl but that he had since acquired another girl, promising, however, to part with her and marry the Gonzales girl. About this time the court acquired a headache and postponed the case until tomorrow.

CHORAL SOCIETY CONCERT COMES TOMORROW

**Magnificent Music by Chorus
of Hundred Finely Trained
Voices Tuesday Night at
Presbyterian Church.**

One of the finest musical events in the history of Albuquerque is scheduled for tomorrow evening at the Presbyterian church, when the Albuquerque Choral society, consisting of 100 splendid voices under the direction of Charles H. Andrews, renders music from "The Challenge of Thor," sings the wonderful "Hallelujah Chorus" from Handel's Messiah and gives the beautiful sacred cantata "The Woman of Samaria." The soloists are Mrs. Andrews, Miss Mary McPhe, Mr. T. T. Christian and Miss Georgia Shorman. Those privileged to hear the rehearsals say this concert will be far and away superior to anything of the kind ever before attempted in the city.

FIRE IN HIGHLANDS CAUSES \$50 DAMAGE

The Second street and Highland fire companies made a fast run this afternoon to the residence of Frank Smith, bartender at the White Elephant saloon, at 1031 South Arco street, called by a fire in a woodshed of the house. It was promptly extinguished with a loss of about \$50. The origin of the fire was not known.

GRANDMA NEVER LET HAIR GET GRAY

Kept Her Locks Dark, Thick, Glossy, with Sage Tea and Sulphur.

When you darken your hair with Sage Tea and Sulphur, no one can tell because it's done so naturally, so evenly. Preparing this mixture, though, at home is messy and troublesome. For 50 cents you can buy at any drug store the ready-to-use tonic called "Wyeth's Sage and Sulphur Hair Remedy." You just dampen a sponge or soft brush with it and draw this through your hair, taking one small strand at a time. By morning all gray hair disappears, and, after another application or two, your hair becomes beautifully darkened, glossy and luxuriant. You will also discover dandruff is gone and hair has stopped falling.

Gray, faded hair, though no disgrace, is a sign of old age, and as we all desire a youthful and attractive appearance, get busy at once with Wyeth's Sage and Sulphur and look years younger.

TWO LECTURES ON ROADS THIS WEEK

The lecture series of the Albuquerque Road Road association will hold two meetings this week in the society precincts. The first will be tomorrow night at the school in district 15 and probably Friday night at Alameda. A. B. Stroup and T. J. Passmore will be the speakers and A. E. Van Deuse will as usual manage the stereopticon machine.

**Court Approves Transfer of
Twelve Foot Frontage Near
First by Parenti Estate Ex-
ecutor.**

Judge Reynolds today rendered a judgment approving the sale of a portion of lot 12 in block 8 of the original townsite, by Atenacio Parenti, executor of the estate of Emilia P. Parenti, for \$3,950, Luis and Paolo Giacomelli being the purchasers. The sale was made for the purpose of settling indebtedness of the estate and the property transferred is a fractional lot, fronting 12 feet on Central and 25 feet on the alley on the north side of Central between First and Second.

The court gave judgment in the case of 524 Fourteenth against the Butler Auto company for \$412.22, for contracting done on the Butler garage.

Judgment was given in favor of the intervenor in the case of the Consolidated Liquor company vs. Scatello & Nizzi, Giuseppe Badaracco being the intervenor. The plaintiffs seek to collect \$100.00 due them from the defendant by levying on property owned by Nizzi at 323 North Third street. Badaracco's prior lien on the property is recognized by the court, the order calling for the sale of the property.

Judge Reynolds continued today the case of the State National bank vs. the Bank of Magdalena, because of absence of counsel for both banks from the city. The case involves a petition for damages claimed because the Magdalena bank cashed a draft on the State bank which later proved a forgery. The forger was caught by the state National in New England after a long pursuit.

The court this afternoon is continuing the hearing of the case of the Consolidated Liquor company vs. Manuel Medilla, begun on Saturday. M. U. Vigil today filed suit against George Hoffman, being a suit on a note for \$75 given to Medardo Sanchez and by him transferred to Mr. Vigil.

County Clerk Walker today issued the following marriage licenses:

Leonides Apolonia and Vicente Sanchez, both of Albuquerque.
Aleja Gutierrez and Feliciano Chavez, both of San Antonio.

PERSONALS

Allan H. Wagon, for several years in business here and now living at Oakland, Cal., is in the city for a few days looking after real estate interests.

Miss Colter of Los Angeles, connected with the Harvey system, is in the city for a short stay. She has been engaged in designing furnishings and decorations for the new observatory building at Grand Canyon. Arthur Seligman, Frank McKane, John W. March and Frank Horn of Santa Fe motored to Albuquerque Sunday in Mr. Seligman's car, spending the day here.

Attorney A. B. Ronahan of Santa Fe returned home last night after a brief visit in Albuquerque.

W. F. Dermont, president of the big sawmill and Lumber company at Williams, Ariz., was in the city today, returning home from a business trip to Michigan.

Train No. 10, due here tomorrow morning at 7:30, is reported indefinitely late this afternoon, being held behind a washout in California.

There will be a regular meeting of Triple Link Rebecca lodge tomorrow, Tuesday night at 7:30. A good attendance is desired. By order of the Noble Grand.

Joseph Barnett and wife returned today from a pleasant six weeks' stay at California resorts.

Amado Baca, apprentice at the local Santa Fe machine shops, and Miss Nestora Apolonia, member of a well known Spanish family, will be married tomorrow at San Antonio, N. M., after which they will take a honeymoon trip to Los Angeles.

It is announced that "Ben Hur" with a large company, is being booked for appearance at the Elks theater next March.

A meeting for "White Ribbon Recruits," the cradle roll of the W. C. T. U. will be held Tuesday afternoon at 2:30 o'clock at the home of Mrs. Charles Sutton, 708 South Walter street. All young mothers are cordially invited to attend the meeting and bring their babies.

The ladies' missionary society of the Central avenue church will meet with Mrs. Wilson, corner Central and Broadway in the Occidental building, Tuesday afternoon from 2:30 to 3:30 for the regular monthly sewing social. Ladies are asked to come prepared to sew. A bolt ofingham will be made up into aprons and caps of every kind and style for selling purposes.

The Fraternal Brotherhood lodge will hold the regular monthly dance this evening in Odd Fellows' hall, for members and invited friends, music to be furnished by the Diamond orchestra.

E. C. Ottwell has purchased the entire stock of the W. Y. Walton drug store, 322 West Central avenue, and will conduct an up to date drug business at this stand. Mr. Ottwell has been connected with the leading drug stores of the city for the past seven years as prescription clerk.

There will be a called meeting of G. K. Warren Post, G. A. B., at McDonald & Mungley's office, 121 South Third street, tomorrow evening, January 27, at 7:30, to transact any business that may properly come before the post. All members are requested to be present. Business of importance. By order of Z. H. Bliss, P. C. J. G. Caldwell, adjutant.

To Cure a Cold in One Day
Take LAXATIVE BROMO QUININE Tablets. Druggists refund money if it fails to cure. E. W. GROVER'S signature is on each box. 25c.

Men's Suits and Overcoats at 10.00 and 15.00

HUNDREDS of Albuquerque men have learned through satisfactory experience, that our Men's Clothing Sales are the real thing—this time the values are greater than ever. A glance at our window will show you.

Suits and Overcoats worth to \$20 at \$10

THESE are all good styles and the kind of garments that have always been priced at from \$15. to \$20. If you want one for \$10, you'll have to hurry.

Suits and Overcoats worth to \$30 at \$15

THE assortment includes the very best in the house—Suits and Overcoats in all the late weaves and fabrics, perfectly fashioned and finished. You can buy them now for \$15.00.

ROSENWALD'S